REMARKS

Claims 1-39 are pending in the application. Claims 1-5, 7, 20-24 and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by LeBlanc. Claims 13, 16-19 and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over LeBlanc in view of Blakeney, II. Claims 6, 8-12, 14, 15, 25 and 27-31 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 32-35 and 39 were allowed. Claims 1, 6, 8-17, 20, 25, 27-33, 35, 36 and 39 have been amended, without new matter. Reconsideration and reexamination of the application in view of the amendments and following remarks is respectfully requested.

Claims 6, 8-12, 14, 15, 25 and 27-31 were rewritten in independent form including all of the limitations of the base claim and any intervening claims, and are therefore now allowable.

Claims 1-5, 7, 20-24 and 26 were rejected under 35 U.S.C. §102(e) as being anticipated by LeBlanc. This rejection is respectfully traversed.

LeBlanc completely fails to disclose, teach or suggest "incrementally lowering T_ADD_R and T_DROP_R by an amount STEP_dec_thres at one or more specific time instants t_N, N = 1,2,...M during the rescue procedure, each time instant separated by a time Td," as recited in claim 1 of the present invention. First, LeBlanc does not describe a rescue procedure at all, merely a method of determining the location of a cellular telephone using signal strength measurements received from a wireless communication network (see col. 7 lines 35-38, col. 10 lines 48-51, 60-65, and col. 11 lines 13-18).

Second, LeBlanc does not disclose, teach or suggest incrementally lowering T_ADD_R and T_DROP_R by an amount STEP_dec_thres at one or more specific time instants t_N, N = 1,2,...M, each time instant separated by a time Td. LeBlanc only discloses extending the range of T_ADD and T_DROP to get signal strength measurements on additional pilots (base stations) in the area (see col. 25 lines 56-58 and col. 55 lines 45-64), and returning the values of T_ADD and

T_DROP to their normal values after enough data as been acquired to perform a location estimate (see col. 56 lines 32-35). In other words, LeBlanc only discloses a temporary lowering of T_ADD and T_DROP to one set of lower values for the purpose of determining location, and teaches away from incremental adjustments of these values over time needed to ensure that a connection can be rescued, as in claim 1 of the present invention.

Because LeBlanc does not disclose all of the limitations of claim 1, the rejection of claim 1 under 35 U.S.C. §102(e) as being anticipated by LeBlanc is traversed. Furthermore, because claims 2-5 and 7 depend from claim 1, the rejection of those claims is traversed for the same reasons provided above with respect to claim 1.

With regard to claim 20, for the same reasons provided above with respect to claim 1, LeBlanc also contains no disclosure at all related to "incrementally lowering pilot signal strength add and drop thresholds T_ADD_R and T_DROP_R by an amount STEP_dec_thres at one or more specific time instants t_N, N = 1,2,...M during the rescue procedure, each time instant separated by a time Td; wherein T_ADD_R and T_DROP_R are used by the MS for determining an updated active set of pilots for use in the rescue procedure" as recited in claim 20.

Because LeBlanc does not disclose all of the limitations of claim 20, the rejection of claim 20 under 35 U.S.C. §102(e) as being anticipated by LeBlanc is traversed. Furthermore, because claims 21-24 and 26 depend from claim 20, the rejection of those claims is traversed for the same reasons provided above with respect to claim 20.

Claims 13, 16-19 and 36-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over LeBlanc in view of Blakeney, II. This rejection is respectfully traversed.

Claims 13 and 16-19 depend from claim 1. As discussed above, LeBlanc does not disclose, teach or suggest all of the limitations of claim 1. In particular, LeBlanc does not disclose "incrementally lowering T_ADD_R and T_DROP_R by an amount STEP_dec_thres at one or more specific time instants t_N, N = 1,2,...M during the rescue procedure, each time instant separated by a time Td," as recited in claim 1 of the present invention.

Blakeney, II also completely fails to disclose, teach or suggest this limitation. First, Blakeney, II does not describe a rescue procedure at all, merely a method for performing a mobile station assisted soft handoff (see col. 3 lines 21-23). Second, Blakeney, II does not disclose, teach or suggest incrementally lowering T_ADD_R and T_DROP_R by an amount STEP_dec_thres at one or more specific time instants t_N, N = 1,2,...M, each time instant separated by a time Td. Blakeney, II only discloses using fixed T_ADD and T_DROP values to determine which base stations should be added to a Candidate set for possible addition to an Active set, and to determine which base station communications should be terminated (see col. 3 line 38 through col. 4 line 6), for use in a soft handoff.

Because neither LeBlanc nor Blakeney, II, alone or in combination, disclose, teach or suggest all of the limitations of claim 1, and therefore also do not disclose, teach or suggest all of the limitations of claims 13 and 16-19, the rejection of those claims under 35 U.S.C. §103(a) as being unpatentable over LeBlanc in view of Blakeney, II is traversed.

With regard to claim 36, neither LeBlanc nor Blakeney, II disclose, teach or suggest "a network for communicating with a mobile station (MS) and for assisting in performing a rescue procedure," a "MS capable of transmitting a uniform energy signal," or BS sectors . . . for receiving and measuring a strength of the uniform energy signal and adding the BS sector to an updated active set used by the network in performing the rescue procedure if the strength of the uniform energy signal is above a predetermined threshold," as recited in claim 36.

First, neither LeBlanc or Blakeney, II disclose, teach or suggest a rescue procedure, as noted above. Second, neither LeBlanc nor Blakeney, II disclose, teach or suggest the transmission of a uniform energy signal from the MS, and therefore cannot disclose, teach or suggest receiving this uniform energy signal at a BS sector and adding the BS sector to an active set used by the network to perform the rescue procedure. The Examiner acknowledges that this limitation is not present in LeBlanc, but points to FIGs. 1 and 2, and col. 3 line 61 to col. 4 line 24 of Blakeney, II for this disclosure. However, FIGs. 1 and 2 are merely overview figures of a CDMA cellular telephone system and a CDMA mobile station telephone, and do not disclose, teach or suggest the

transmission of a uniform energy signal from the MS. In addition, col. 3 line 61 to col. 4 line 24 discusses the well-known transmission of pilot signals from base stations, not from a MS, and in any case does not disclose, teach or suggest receiving a uniform energy signal at a BS sector and adding the BS sector to an active set used by the network to perform the rescue procedure.

Because neither LeBlanc nor Blakeney, II, alone or in combination, disclose, teach or suggest all of the limitations of claim 36, the rejection of claim 36 under 35 U.S.C. §103(a) as being unpatentable over LeBlanc in view of Blakeney, II is traversed. In addition, because claims 37 and 38 depend from claim 36, the rejection of those claims is traversed for the same reasons provided above with respect to claim 36.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 440402000500.

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Respectfully submitted,

By_____

Glenn M. Kubota
Registration No.: 44,197
MORRISON & FOERSTER LLP
555 West Fifth Street, Suite 3500
Los Angeles, California 90013
(213) 892-5200